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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,062	01/19/2001	Takeshi Misawa	0905-0255P-SP	6672
2292	7590	08/25/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			MISLEH, JUSTIN P	
		ART UNIT	PAPER NUMBER	
		2612		
DATE MAILED: 08/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/764,062	MISAWA, TAKESHI	
	<b>Examiner</b> Justin P. Misleh	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 01 January 2005.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1 - 3, 5, and 8 is/are pending in the application.  
    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1 - 3, 5, and 8 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 19 January 2001 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

**Note to Applicant:** The Examiner of record for the present application has changed.

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1 July 2005 has been entered.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

3. **Claims 1 – 3** are objected to because of the following informalities: inconsistent claim language.

4. For **Claims 1 and 3**, “sensing the image” is recited without “sensing an image” having been previously recited; “the structure of lenses” is recited without “a structure of lenses” having been previously recited. Appropriate correction is required.

5. As for **Claim 2**, “the storage medium” recited when “a storage device” was previously introduced. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1 – 3, 5, and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Komiya et al. in view of Sekine.

8. For **Claims 1 and 3** (please see objections above), Komiya et al. disclose, as shown in figures 3A and 3B and as stated in column 5 (line 15) – 6 (line 24), an image sensing unit (CCD 17), a first recording controller (card writer 22) for recording image data which is output from the image sensing unit on a recording medium (memory card 23), and a second recording controller (also card writer 23) for recording data which represents characteristics based on the structure of lenses of the image sensing unit (Specifically, see column 5, lines 54 – 67, and column 6, lines 43 – 48).

Komiya et al. disclose writing lens characteristic data in a header portion of image data in the memory card (23). In other words, lens characteristic data and corresponding image data are corresponding recorded in the recording medium. Furthermore, Komiya et al. teach that the lens characteristics may comprise “lens position” and “focal length”, which are later used for image processing including correction of lens aberrations (see column 6, lines 13 – 23). The “focal length” of a lens is determined by the index of refraction, the radii of curvature of the lens’ surfaces, and the medium in which the lens resides; hence, the “focal length” corresponds to the “structure of lenses”.

However, Komiya et al. fails to teach wherein the image sensing unit includes a honeycomb type solid-state electronic image sensor having a number of photoelectric transducers disposed in column and row directions wherein the photoelectric transducers for odd-numbered columns are placed in odd or even numbered rows and the photoelectric transducers for even-numbered columns are placed in even or odd numbered rows.

On the other hand, Sekine also discloses an image sensor. More specifically, Sekine teaches that a honeycomb image sensor (figure 1C) is notoriously well known in the art. The honeycomb image sensor is arranged wherein the pixels are disposed in odd numbered column and odd numbers rows, and even numbered columns and even numbered rows, as also shown in figure 1C.

As stated in column 2 (lines 34 – 37) of Sekine, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included a honeycomb image sensor, as taught by Sekine, in the image sensing apparatus and corresponding method of operating thereof, disclosed by Komiya et al., for the advantage of improving vertical resolutions.

9. As for **Claim 2** (please see objection above), Komiya et al. disclose, as shown in figure 3A, a storage device (also memory card 23) for storing the data representing the characteristics (“focal length”); wherein said second recording controller records the data representing the characteristics on the storage device (23), said data being read out of said storage device (see column 6, lines 13 – 23).

10. As for **Claims 5 and 8**, Komiya et al. disclose, as stated in column 5 (lines 43 – 67), wherein the second recording controller (card writer 22) further records data representing circuit characteristics based on the use of the image sensing unit (17) on the recording medium (23).

More specifically, Komiya et al. teach setting different JPEG compression rate for each compression mode and further teach, recording in the memory card (23), the compression mode, white balance, and shutter speed during image capture, all of which correspond to circuit characteristics.

#### *Cited Prior Art*

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure at least for the reason that each provides a honey-combed type image sensor and a correspond method of operating and image processing.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

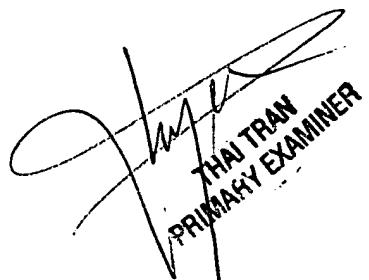
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Thai Q Tran can be reached on 571.272.7382. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 2612

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM  
2005-08-17



A handwritten signature in black ink, appearing to read "JPM" and "2005-08-17" above a stylized, flowing signature. To the right of the signature, the name "THAI TRAN" is printed vertically, followed by "PRIMARY EXAMINER" in a slightly smaller font.